

**REPORT WITH RESPECT TO THE APPLICATION  
FOR REVIEW OF [REDACTED]  
IN RELATION TO INFORMATION REQUESTED FROM  
SASKATCHEWAN EXECUTIVE COUNCIL**

[1] By an Access to Information Request form (undated), [REDACTED] (the "Applicant") requested information from the Department of Health regarding a draft Health Human Resources Report.

[2] The Request was worded as follows:

"(draft) Health Human Resources Report – document prepared for Premiers Meeting in August 2001, referred to in July 28/01 Globe & Mail newspaper article".

[3] In a letter from Bonita K. Cairns, Access Officer, Freedom of Information for Saskatchewan Executive Council (the "Respondent"), dated February 14, 2002, the Respondent advised the Applicant as follows:

"Your Freedom of Information (FOI) application for access was received at this office on January 15, 2002, requesting the following:

*"(draft) Health Human Resources Report – document prepared for Premiers Meeting in August 2001, referred to in July 28/01 Globe & Mail newspaper article. "*

This is to advise you that the record you have requested cannot be released pursuant to section 13(1)(b) The Freedom of Information and Protection of Privacy Act. Section 13(1)(b) states:

13(1) A head shall refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from:

(b) the government of another province or territory of Canada, or its agencies, Crown Corporations or other institutions;

The document you have requested was provided to all jurisdictions, prior to the August 2001 Premiers' meeting, with the understanding that it remain confidential. Saskatchewan Executive Council has confirmed this understanding.

If you wish to request a review of this response, you may do so within one year of this notice. To request a review, please complete a "Request for Review" form, which is available at the same location where you applied for access. Your request should be sent to Mr. Gerald Gerrand, Q.C., Acting Information and Privacy Commissioner, #700 – 1914 Hamilton Street, Regina, Saskatchewan, S4P 3N6"

[4] In a formal Request for Review dated February 18, 2002, addressed to me, the Applicant indicated that it had been refused access to all or part of the record it had requested. In the Request for Review, the Applicant stated that:

"I have requested, and been denied, a copy of the draft Health Human Resource Report – prepared for the Premier's [sic] Meeting in August, 2001, referred to in a July 28/01 Globe & Mail newspaper article. Copies of the article, my request to the Minister of Health, his denial, and copies of my Access to Information Request and denial from Executive Council are attached."

[5] I determined that I would undertake the review as requested by the Applicant and duly advised the Respondent. Further, I requested that the Respondent, pursuant to the provisions of section 54(1)(a) of The Freedom of Information and Protection of Privacy Act (the "Act"), provide me with a copy of the document that was withheld from the

Applicant. A copy of the relevant document was duly forwarded to me by the Respondent, and I have had an opportunity to review it.

[6] Along with the document in question, the Respondent provided me with a letter addressed to me dated February 28, 2002. This correspondence stated:

"As requested in your letter dated February 21, 2002, please find enclosed the draft Health Human Resources Report prepared by the Government of Manitoba for the May 2001 Western Premiers' meeting.

If you require additional information or have further questions, please do not hesitate to contact me at 787-6351."

(It appears to me that the reference in this letter to the May 2001 Western Premiers' Meeting was a typographical error, as the meeting in question took place in August 2001.)

[7] The relevant provisions of the Act are as follows:

"3(1) This Act does not apply to:

- (a) published material or material that is available for purchase by the public;
- (b) material that is a matter of public record; or
- (c) material that is placed in the custody of the Saskatchewan Archives Board by or on behalf of persons or organizations other than government institutions.

13(1) A head shall refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from:

...

(b) the government of another province or territory of Canada, or its agencies, crown corporations or other institutions ...  
unless the government or institution from which the information was obtained consents to the disclosure or makes the information public.

...

[8] The report in question does not fall into the category of materials exempted from the provisions of the Act as described in Section 3. As remarked on in the next paragraph, the authors of the report clearly intended it to be a confidential draft for discussion purposes only. I have no information before me as to how the Globe & Mail obtained a copy of the draft report; however, the fact that it did obtain a copy of the report does not lead to the conclusion that the report is disclosable under the Act.

[9] The draft Health Human Resources Report was prepared and obtained from the Government of Manitoba prior to the August Western Premiers' Meeting. It is clear from the face of the document that the document was explicitly provided in confidence, as its cover page states "Confidential Draft – For Discussion Purposes Only". In addition, the Government of Manitoba has not consented to the disclosure of this document or made the document public. I am of the view that section 13(1)(b) of the Act governs this situation and I recommend that the report not be disclosed to the Applicant.

[10] DATED at Regina, in the Province of Saskatchewan, this 19<sup>th</sup> day of March, 2002.

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GERALD L. GERRAND, Q.C.  
Commissioner of Information  
and Privacy for Saskatchewan